

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TYREE DARNELL ROSS-SIMMONS,)

Plaintiff,)

v.)

LISA FERGUSON, *et al.*,)

Defendants.)

Civil Action No. 7:21cv00372

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Tyree Darnell Ross-Simmons, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing order entered June 22, 2021, the court advised Ross-Simmons that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF No. 3.) On April 7, 2022, an order mailed to Ross-Simmons was returned to the court as undeliverable and with no forwarding address. (*See* ECF No. 26.) Ross-Simmons has not provided the court with an updated address. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order. The court notes that this dismissal is without prejudice to Ross-Simmons' opportunity to refile his claim in a separate civil action, subject to the applicable statute of limitations.

The clerk is directed to send copies of this Memorandum Opinion and accompanying Order to the defendants and to Ross-Simmons at his last known address.

ENTERED this 8th day of April, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE